

E-FILED on 9/10/07

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

HYNIX SEMICONDUCTOR INC., et al., Plaintiffs, v. RAMBUS INC., Defendant.	No. C 00-20905 RMW ORDER CLARIFYING AUGUST 30, 2007 CMC ORDER
RAMBUS INC., Plaintiff, v. HYNIX SEMICONDUCTOR INC., et al., Defendants.	No. C 05-00334 RMW
RAMBUS INC., Plaintiff, v. SAMSUNG ELECTRONICS CO., LTD., et al., Defendants.	No. C-05-02298 RMW

1	RAMBUS INC.,	No. C-06-00244 RMW
2	Plaintiff,	
3	v.	
4	MICRON TECHNOLOGY, INC., et al.,	
5	Defendants.	

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7 On August 30, 2007 this court issued an order setting limits on the number of live witnesses

8 that each party may call in their cases-in-chief at the consolidated antitrust trial set for January 22,

9 2008 ("August 30, 2007 Order"). The parties disagree on certain of the limits set forth in that order

10 and seek clarification from the court. The court hereby clarifies:


- 11 1. The six witnesses that each side (Rambus on one side and Hynix, Samsung, Micron
- 12 and Nanya (collectively the "manufacturers") on the other) may call in their cases-in-
- 13 chief are: Paul Anderson, Joel Karp, Neil Steinberg, Geoff Tate, Lester Vincent and
- 14 Farhad Tabrizi. In addition, the manufacturers may call Richard Crisp. The court
- 15 recognizes that its August 30, 2007 order listed Anthony Diepenbrock rather than
- 16 Paul Anderson as a witness that may be called by each side. However, Rambus has
- 17 since clarified, and the manufacturers do not dispute, that while Anthony
- 18 Diepenbrock was listed as a common witness in an initial exchange of witness lists,
- 19 he was not listed as a common witness in the revised witness lists exchanged more
- 20 recently on August 28, 2007.
- 21 2. In the August 30, 2007 Order, the court ordered that the manufacturers as a group
- 22 may select 11 common witnesses out of the 12 proposed common witnesses. In
- 23 addition, each manufacturer may have up to 3 unique witnesses selected from their
- 24 proposed lists.¹ These limits were intended to cover all live witnesses, whether or not
- 25 for the jury phase of the trial. However, on September 5, 2007, the manufacturers
- 26 submitted a witness list in which they included two witnesses—Paul Anderson and
- 27 Robert Kramer—beyond the limits set by the court. Although the court's August 30,

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¹ It appears that Samsung selected only 2 unique witnesses.

1 2007 Order is without prejudice to an application for substitution or addition of
2 witnesses upon good cause shown on application to the court, no such application
3 was made by the manufacturers. Therefore, the manufacturers are to revise their
4 witness list in accordance with the clarifications set forth in this order and resubmit a
5 witness list no later than Monday, September 10, 2007.

6
7 DATED: 9/7/07



RONALD M. WHYTE
United States District Judge

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24 **Dated:** 9/10/07

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